IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3056 OF 1994

The Maharashtra State and Transport Corporation. ... Petitioner.

V/s.

Ramesh Ganpat Nerurkar. ... Respondent.

G.S.Hegde for the petitioner.

K.S.Bapat for the respondent.

CORAM: V.C.DAGA, J.

DATED: 27th March 2006.

P.C.:

. This petition is directed against the order dated 30th June, 1994, whereby the complaint filed by the respondent under items 3 and 9 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 ("MRTU & PULP Act" for short) came to be allowed. The transfer order No.63 of 1993 dated 11th May, 1993, to the extent of the complainant, came to be revoked and the petitioner was directed to permit the complainant to work at Bombay Division till his age of retirement and pay full wages to the complainant from 18th May, 1993 to 6th April, 1994.

2. Mr.Bapat, learned counsel for the respondent submits that pursuant to the aforesaid order, the transfer order was revoked and the respondent was allowed to work at Bombay Division of the petitioner- Corporation. According to Mr.Bapat, what remains to be decided in the petition is: whether or not the Industrial Court was justified in awarding full back wages in favour of the complainant from 18th May, 1993 to 6th April, 1994.

3. On the last date of hearing, when this matter was placed before me, both parties had sought time to explore possibility of settlement. It appears that the matter has now been settled.

4. Mr.Hegde, learned counsel for the petitioner- Corporation has placed on record letter dated 23rd December, 2005 addressed to him by the General Manager (Legal) of the Corporation informing him to settle the matter on payment of 50% back wages to the respondent- workman for the period 18th May, 1993 to 6th April, 1994. Mr.Bapat, learned counsel for the respondent, after taking instruction from his client, who is present in court, submits that the proposal given by the petitioner- Corporation is acceptable to

the respondent and submits that the petition be disposed of accordingly.

5. Having heard rival parties and considering the consensus between the parties, the impugned order is confirmed except with small modification with respect to the award of back wages. The Industrial Court has awarded full back wages for the period from 18th May, 1993 to 6th April, 1994. As against this, by consent of parties, the claim of the respondent- workman in respect of back wages for the aforesaid period is reduced to 50%. In this view of the matter, petitioner-Corporation shall be liable to pay 50% back wages to the respsondent/ original complainant for the period 18th May, 1993 to 6th April, 1994.

6. So far as back wages are concerned, rule is partly made absolute in term of this order. So far as other aspect of the matter are concerned, rule stands discharged with no order as to costs.

7. Needless to mention that petitioner-Corporation shall make payment of 50% back wages to the respondent- workman within eight weeks from today, failing which, said amount shall carry interest @ 10% per annum till payment in full and final.

(V.C.DAGA, J.)